

### **REMARKS**

Claims 1 and 3-14 are pending in the present application. Claims 1, 4-9, 13 and 14 are rejected. Claims 3 and 10-12 are objected to. Claim 1 is herein amended. No new matter has been presented.

#### **Claim Rejections - 35 U.S.C. §102(b)**

Claims 1 and 4-9 remain rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki.

The Examiner asserts that Suzuki discloses in paragraph 28 that the copolymer can be dissolved in a solvent during application, and teaches that the solvent can comprise methyl ethyl ketone (MEK), meeting the limitations of the ketone solvents of amended claim 1.

#### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Katayama.

#### **Amendment and Remarks**

Applicants herein amend claim 1 to clarify the invention. Thereafter, Applicants respectfully disagree with the rejections and submit that any rejection noted above has been overcome.

Applicants note that the friction modifier composition of the present invention includes a diluent being at least one selected from the group consisting of high flash point solvents having

flash point of 130°C or more, aliphatic hydrocarbons, alcohol solvents, amide solvents, and sulfoxide solvents.

Suzuki discloses that a mixture of toluene MEK = 2:1 is used as an organic solvent for an acrylic ester copolymer, as noted in paragraph [0028].

However, Suzuki is silent about the diluent used in the present invention, which is selected from the group consisting of high flash point solvents (flash point of 130°C or more), aliphatic hydrocarbons, alcohol solvents, amide solvents, and sulfoxide solvents.

Therefore, because at least this limitation is not taught or suggested by the cited reference, the subject matter of the present invention (claims 1 and 4 to 9) is not anticipated by Suzuki.

Furthermore, Applicants note that Suzuki does not disclose or suggest use of other solvents than the above-mentioned mixture. Therefore, those skilled in the art would not have been motivated from Suzuki to use the diluents of the present invention.

Accordingly, the subject matter of the present invention (claims 1 and 4 to 9) was not obvious to one skilled in the art over Suzuki at the time of the invention.

Applicants further note that because the friction modifier composition according to claim 1 is seen as novel and nonobvious, the lubricating oil composition of the present invention of claims 13 and 14 comprising the friction modifier composition and base oil should be seen as nonobvious over Suzuki in view of Katayama (US 4,666,617) at the time of the invention.

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Amendment filed March 6, 2009

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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